

WEDNESDAY, 10 O'CLOCK, A. M., Nov. 7, 1849.

The Senate was called to order by the President.

The following Senators answered to their names:

Messrs. Brashears, Cooke, Grimes, Gage, Jones, Latimer, Moffett, McRae, Parker, Portis, Robertson, Taylor, Truit, Van Derlip, Walker and Wallace; quorum present.

The journals of the preceding day were read and adopted.

Mr. Wallace presented the petition of Robert W. Martin, praying for relief, which was, on motion, referred to the committee on Claims and Accounts, without reading.

Mr. Robertson presented the petition of James Hall, which was, on motion of Mr. Robertson, referred to the committee on Private Land Claims, without reading.

Mr. Latimer presented the petition of Mr. J. S. Hawley, praying to be appointed Chaplain, which was read, and on motion of Mr. Wallace, laid on the table.

Mr. Gage, chairman of the committee on Privileges and Elections, made the following report:

The committee on Privileges and Elections, excepting Senator Wallace, a member thereof, who is a party in interest, to whom was referred the election returns for Senator of the 22d Senatorial District, beg leave to report that the package contains the returns made to the Chief Justice of Rusk county, certifying the result of the election for Senator, from a portion of the counties composing said District.

Your committee find that only a part of the counties embraced within the 22d Senatorial District, made their returns to the Chief Justice of Rusk county, within the time prescribed by law, and that from the returns made in time, Benjamin Rush Wallace had received a majority of 777 votes over the highest opposing candidate. Your committee, in estimating the additional returns contained in said package, find that the former majority of Mr. Wallace is increased to 837 votes.

Your committee herewith return the package referred to them, and beg leave to be discharged from the further consideration of the subject.

Mr. Portis, chairman of the committee on Education, made the following report:

COMMITTEE ROOM, November 6, 1849.  
To the Hon. JOHN A. GREER,

President of the Senate:

The committee on Education, to whom was referred "A Bill to incorporate Austin College," have had the same under consi-

deration, and have instructed me to report the same back to the Senate, with an amendment to the sixth section of the bill, and recommend its passage. The sixth section of the bill exempts from taxation, property to the amount of one hundred thousand dollars, exclusive of the college buildings.

The committee deem it proper that this exemption should only commence from the period at which the institution may be organized. The greater portion of the property which may be expected to be donated to this institution must consist of lands.— And although the committee would in no event recommend a tax upon knowledge or interpose what might even be construed into an obstacle to the diffusion of intelligence among the people, yet the numerous applications of a similar character which have been made to the preceding Legislatures of the State, and may hereafter be expected to be made, the liberality with which the citizens of Texas donate their lands to the promotion of the objects contemplated by the bill; and the failures which have occurred and will hereafter occur in the organization of such institutions, have induced the committee to think that without the amendment which they have proposed should be adopted, large tracts of land may be exempted from taxation for a number of years, without being applied to any beneficial public purpose.— The effect of the amendment can work no great hardship. The high character of the gentlemen who have been named as the Board of Trustees, affords a very satisfactory guarantee that neither industry, energy nor ability will be wanting in carrying speedily into operation the contemplated objects of the bill; at the same time it affords to the Legislature an eminent precedent to direct their future action.

DAVID Y. PORTIS,

Chairman of Committee on Education.

Amendment to the 6th section, add, from and after the organization of said college.

Mr. Portis from the Judiciary committee, made the following report :

The Judiciary committee, to whom was referred the petition of David S. Kaufman and Jane B. Kaufman, praying that the name of Daniel Richardson Kaufman be changed to Daniel Kaufman Richardson, have had the same under consideration and have instructed me to report the same back to the Senate with a bill, and recommend its passage.

The President appointed Messrs. Wallace, Van Derlip, Portis, Moffett and Latimer a select committee, on the resolution offered on yesterday by Mr. Wallace, in relation to the act concerning crimes and punishments.

A committee from the House, Mr. Fields chairman, invited the Senate to a seat in the Representative Hall, on to-morrow at 10 o'clock, for the purpose of counting the votes for Governor and Lieutenant Governor and Commissioner of the General Land Office.

The Senate proceeded to the

### ORDERS OF THE DAY.

A bill to be entitled an act for the relief of Frederick Scranton; read second time, and on motion of Mr. Brashear, referred to the committee on Public Lands.

The resolution offered by Mr. Van Derlip on yesterday, referring that portion of the Governor's Message relating to the proposed amendment of the Constitution to the Judiciary committee, &c., was read.

Mr. Robertson moved to amend by striking out all after the word "committee;" rejected.

Mr. Robertson then moved to amend, by striking out all after the word "committee," and inserting "with instructions to report thereon as soon as practicable."

Mr. Wallace offered the following as a substitute for the amendment offered by Mr. Robertson:

Strike out all after the word report and insert,  
Joint Resolution proposing an amendment to the Constitution of  
the State of Texas.

SECTION 1. *Be it resolved by the Legislature of the State of Texas,* That the Constitution of the State of Texas be so altered and amended, that the Judges of the Supreme Court, Judges of the District Courts, Attorney General, District Attorneys, Comptroller of Public Accounts, Treasurer of the State and the Commissioner of the General Land Office, shall at the expiration of their respective terms of office, or in case a vacancy may occur in either of them, by death, resignation or otherwise, after this amendment takes effect and thereafter, be elected by the qualified electors of the State in the manner prescribed by law.

SEC. 2. *Be it further resolved,* That the election for District Judges and District Attorneys shall be confined to their respective Districts.

Mr. Taylor moved to lay the Resolution and amendments on the table until Saturday; lost.

The question then recurred on the substitute offered by Mr. Wallace, for the amendment proposed by Mr. Robertson, which was adopted; the resolution as amended was then adopted.

The resolution offered by Mr. Robertson on yesterday, requir-

ing the President to appoint a standing committee on Federal Relations, was read; and on motion of Mr. Wallace, was laid on the table and made the special order of the day for Friday the 9th inst.

The resolution offered by Mr. Taylor on yesterday, instructing the committee on Contingent Expenses to contract for copies of the Texas State Gazette, &c., was read.

Mr. Robertson moved to amend the resolution by filling the blank with "15" and striking out after the word "copies" the words "of each publication" and inserting after the word "Austin" the words "for the use of the President and each member of the Senate, three times a week;" adopted.

The yeas and nays being called on the adoption of the resolution as amended, stood thus:

Yea: Messrs. Brashear, Cooke, Jones, Moffett, McRae, Portis, Robertson, Taylor, Truit and Walker; 10.

Nay: Messrs. Grimes, Gage, Hart, Latimer, Parker, Van Derlip and Wallace; 7.

So the resolution was adopted.

Mr. Wallace offered the following resolution:

*Resolved*, That the committee on Contingent Expenses be instructed to confer with the corresponding committee of the House of Representatives, for the purpose of ascertaining the number and cost of the newspapers proposed to be taken weekly at the expense of the State by the Legislature thereof, during its present biennial session, and report accordingly as early as practicable; adopted.

On motion of Mr. Wallace, the Senate adjourned until half-past 9 o'clock, to-morrow morning.

THURSDAY, half-past 9 A. M., November 8, 1849.

The Senate was called to order by the President. The following Senators answered to their names:

Messrs. Brashear, Gage, Grimes, Hart, Jones, Latimer, McRae, Moffett, Parker, Portis, Taylor, Truit, Van Derlip, Walker and Wallace.

The journals of the preceding day were read and adopted.

Mr. Walker presented the petition of sundry citizens of Dallas county, which was, on motion of Mr. Walker, referred to the committee on Private Land Claims, without reading.